



OFFICE OF THE PROSECUTING ATTORNEY
24TH JUDICIAL CIRCUIT
HAMILTON COUNTY, INDIANA

PRESS RELEASE

Tuesday, November 26, 2013

Stacey Denise Cox was sentenced today in Hamilton Superior Court II in the case that arose from the investigation of the January 2013 death of a five-month-old child at the Stacey Cox Child Care in Carmel. A jury found her guilty of three of the charged counts after a four-day trial in October: Involuntary Manslaughter, a Class D Felony; Deception, a Class A Misdemeanor; and Operating a Child Care Home Without a License, a Class B Misdemeanor.

The Court sentenced Stacey Denise Cox as follows: Four hundred twenty-five (425) days in prison followed by three hundred sixty-five (365) days on work release followed by one hundred eighty (180) days on probation. The Defendant has credit for one hundred fifty-one (151) actual days served, which is the equivalent of three hundred two (302) days toward the 425-day prison term. Special conditions of her probation include compliance with her work release commitment, thirty (30) hours of community work service, and a prohibition from being employed, volunteering, or otherwise working in a position involving the supervision or care of any other person.

The charges were filed on June 28, 2013 against Ms. Cox and, her daughter, Kirsten Leigh Phillips in Hamilton Superior Court II in Noblesville under cause number 29D02-1306-FA-005011 and 29D02-1306-FA-005012, respectively.

The case against Ms. Phillips remains pending and is set for a jury trial in March 2014. Ms. Phillips, a defendant having been charged with a crime is merely an accusation and she is presumed innocent until and unless proven guilty, faces three charges: Neglect of a Dependent Resulting in Death, a Class A Felony; Reckless Homicide, a Class C Felony; Involuntary Manslaughter, a Class D Felony.

Further inquiries about the litigation may be directed to Chief Deputy Prosecuting Attorney Andre Miksha. Due to the likelihood of inquiries, the State provides this release and copies of the sentencing order for your reference.

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STATE OF INDIANA

COUNTY OF HAMILTON

SS:

IN THE HAMILTON SUPERIOR COURT 2

STATE OF INDIANA

v.

STACEY DENISE COX

CAUSE NO.: 29D02-1306-FA-005011

AMENDED SENTENCING ORDER

Comes now the State of Indiana by Chief Deputy Prosecuting Attorney Andre Miksha and Deputy Prosecuting Attorney Matthew R. Kestian, the Hamilton County Probation Department by its probation officer, and the Defendant, in person and by counsel, Steven P. Stoesz, for a Sentencing Hearing.

Presentence Investigation report is filed and accepted. The Court examines the defendant's criminal record as filed.

The Court considers evidence and argument as presented by the parties.

The Court finds the following *aggravating* circumstances:

- the victim was less than twelve (12) years of age at the time of the offense;

The Court finds the following *mitigating* circumstances:

- the Defendant has no history of delinquent or criminal activity;
- the person is likely to respond affirmatively to probation or short term imprisonment.
- imprisonment of will result in undue hardship to the person or the dependents of the person.

Accordingly, the Court sentences the Defendant as follows:

Count 3, Involuntary Manslaughter, a Class D Felony:

Total sentence: Nine hundred seventy (970) days in the Indiana Department of Correction.

Executed: Seven hundred ninety (790) days executed to be served as four hundred twenty-five (425) days in the Department of Correction followed by three hundred sixty five (365) days as a direct commitment to the Hamilton County Community Corrections Work Release Program.

Suspended: One hundred eighty (180) days suspended.

Credit time: Defendant shall be granted actual-time and good-time credits for one hundred fifty-one (151) actual days served (6/28/2013 - 11/25/2013) prior to sentencing for a total of three hundred two (302) days toward the executed sentence.

Costs & fine: Court costs of \$168.00 imposed.
No fine.

Probation: Defendant shall be placed on probation for a period of one hundred eighty (180) days under the standard condition and the following special conditions:

1. payment of all court costs within 120 days
2. successfully complete any community corrections placement imposed;
3. shall not be employed, volunteer, or otherwise work in a position involving the supervision or care of any other person; and
4. thirty (30) hours of community service.

Relationship to other sentences: Sentence shall be served *concurrently with* that imposed under Counts 4 and 5.

Count 4, Deception, a Class A Misdemeanor:

Total sentence: Three hundred eighty (365) days in the Hamilton County Jail.

Executed: Three hundred eighty (365) days in the Hamilton County Jail.

Suspended: None suspended.

Credit time: Defendant shall be granted actual-time and good-time credits for one hundred fifty-one (151) actual days served (6/28/2013 - 11/25/2013) prior to sentencing for a total of three hundred two (302) days toward the executed sentence.

Costs & fine: Court costs imposed under Count 3.
No fine.

Probation: No probation.

Relationship to other sentences: Sentence shall be served *concurrently with* that imposed under Counts 3 and 5.

Count 5, Operating a Child Care Home Without a License, a Class B Misdemeanor:

Total sentence: One hundred eighty (180) days in the Hamilton County Jail.

Executed: One hundred eighty (180) days in the Hamilton County Jail.

Suspended: None.

Credit time: Defendant shall be granted actual-time and good-time credits for one hundred fifty-one (151) actual days served (6/28/2013 - 11/25/2013) prior to sentencing for a total of three hundred two (302) days toward the executed sentence.

Costs & fine: Court costs imposed under Count 3.
No fine.

Relationship to other sentences: Sentence shall be served *concurrently with* that imposed under Counts 3 and 4.

Probation: No probation.

Defendant is advised of her rights under Criminal Rule 11. Defendant advises of her intention to appeal. The Court appoints Larry Newman to pursue the appeal.

Defendant is remanded to the custody of the Hamilton County Sheriff for service of sentence.

Appearance of Steven P. Stoesz is hereby ordered withdrawn.

SO ORDERED THIS 26 DAY OF Nov 2013.



JUDGE, HAMILTON SUPERIOR COURT 2

Distribution:

1. Prosecuting Attorney
2. Steven P. Stoesz, Attorney for the Defendant
3. Probation Services
4. Sheriff
5. Nancy Zellers CPD, Carmel Police Department, re: OACN 13-004066 (copy provided via PA)
6. Hamilton County Community Corrections
7. Clerk